

—THE LAW OFFICES OF—



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July 23, 2019

**VIA ECF AND E-MAIL**

Honorable J. Paul Oetken  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 706  
New York, New York 10007

RE: Kaye v. NYC Health & Hospitals Corp. et. al.  
Index No.: 18-cv-12137(JPO)

Dear Honorable Judge Oetken:

I write to respectfully request the Court's attention and permission on three separate items. Firstly, Defendants served their answer to Plaintiff's First Amended Complaint on July 19, 2019. However, the attorney who provided the City's Answer, Donna Canfield, has not entered a Notice of Appearance on ECF. Plaintiff is thereby seeking clarification about the attorney(s) of record on this matter.

Secondly, since Defendants have already answered the First Amended Complaint, Plaintiff has provided Defendants with: her First Requests of Admissions; her first set of Interrogatories and her First Requests for Documents. Accordingly, since responses to the aforementioned are due within 30 days of service and Plaintiff anticipates a significant exchange of ESI, I am respectfully requesting that the Court schedule an earlier date for the Scheduling Conference pursuant to Fed. R. Civ. P. 16 and 26. As it stands, the parties are set to meet before Your Honor on September 30, 2019.

Lastly, Plaintiff also seeks to develop a Jointly Proposed ESI Protocol in furtherance of discovery. It is my hope that the parties will be able to address this topic in the upcoming Scheduling Conference. To date, Plaintiff has already submitted her initial ESI requests by way of the initial discovery documents referenced above.

In closing, thank you for your time and consideration.

Respectfully submitted,

/s/

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Melissa Kaye

Cc: Donna Canfield, Esq.  
Eric Murrell, Esq.

The Court resolves Plaintiff's requests as follows.

(1) Plaintiff's motion for clarification as to the identity of counsel of record for Defendants is denied as moot in light of the Notice of Appearance filed by Defendants' counsel on July 24, 2019.

(2) Plaintiff's motion to reschedule the initial pretrial conference for an earlier date is denied. Per this Court's Standing Order on Counselled Employment Discrimination Cases, this case will be automatically referred to mediation. See 11 Misc. 003 (S.D.N.Y. Oct. 1, 2015). It would not be fruitful to hold a conference in this matter until the parties have had the opportunity to engage in the mandatory mediation process.

(3) The parties are free to submit a jointly proposed ESI Protocol for this Court's endorsement.

So ordered.

July 24, 2019

J. PAUL OETKEN  
United States District Judge